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and Software AG

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SOFTWARE AG, INC. and SOFTWARE
AG,

Plaintiffs,

-against-

CONSIST SOFTWARE SOLUTIONS,
INC. f/k/a CONSIST INTERNATIONAL,
INC. and NATALIO FRIDMAN,
Defendants.

Case No. 08-CV-00389 (CM) (FM)

**DECLARATION OF LINDA
KIBBLEWHITE IN SUPPORT OF
MOTION FOR SANCTIONS
PURSUANT TO FED. R. CIV. P. 37**

LINDA KIBBLEWHITE declares and states as follows:

1. I am the International Business Development Manager of Software AG, Inc. ("SAGA").
2. SAGA is a global distributor of software products.
3. These software products include: (1) an XML database and associated family of products called "Tamino"; (2) middleware and associated family of products


called "Entire" or "EntireX"; (3) an on-line transaction server called "Com-plete"; and (4) a data dictionary/repository called "Predict".

4. "Com-plete" and "Predict" have been SAGA products since the late 1980s, "Entire" and "EntireX" have been SAGA products since the early 1990s and "Tamino" has been a SAGA product since the late 1990s.

5. Prior to January 1, 2008, Consist Software Solutions, Inc. was the exclusive distributor of these SAGA software products in Brazil, Argentina, Chile, Uruguay, Paraguay, Bolivia and Peru.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:
February 13, 2008


Linda Kibblewhite